

REMARKS

This Amendment and Response is responsive to the Office Action mailed February 6, 2004. In that action: claims 28-30, 32-37, and 39-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miloslavsky (USPN 6,259, 774) in view of Andrews, et al. (USPN 5,848,143) and in further view of Beck et al. (USPN 6,332,154).

Claims 28, 30, 32-34, 36, and 41 have been amended to correct what appeared to be typographical errors therein. These amendments are not made to further distinguish over the cited prior art and overcome the claim rejections. Reconsideration of the rejections of the pending claims is hereby requested for the reasons discussed below.

Each of the claims has been rejected as obvious in light of the combination of Miloslavsky, Andrews, and Beck. Most importantly, none of these three cited references contain a specific discussion of key claim limitations that are found in each of independent claims 28 and 36. Namely, that “system user may select ... a preferred time for the call back.” Further, there is no specific recitation of the “processing device being further configured to store the preferred time for the call back ... and to periodically search the memory and automatically schedule the call back with an identified service agent.”

On page 3 of the Office Action, it is admitted that Miloslavsky is silent as to this limitation. Near the top of page 4 of the Office Action, it is stated that Andrews discloses this limitation. As support for this statement, the Examiner cites and quotes directly from the Andrews patent at column 16, lines 61-64. The quoted language, however, clearly does not disclose (1) the system user selecting a preferred time for a call back, (2) the call back time being stored in memory, or (3) periodically searching the memory to retrieve the stored information and

automatically scheduling a call back to the system user. Instead, the closest that the quoted passage provides is that the user can indicate whether they wish to be called back. Further, it is stated that if the caller indicates that such a call back is desirable, the central controller may record this and other information useful for later processing of the call (emphasis added). Merely stating that the central controller may record “other useful information” is not a disclosure of presenting a call back display that allows a system user to select a preferred time for a call back, storing same in memory, and periodically searching the memory to retrieve the stored information and automatically scheduling a call back.

Further, on pages 4 and 5 of the Office Action, it is stated that Beck also discloses this missing limitation, when of course it does not. Near the bottom of page 5, it is stated that this limitation can be found in the Abstract, column 4, lines 25-37, column 14, lines 18-27, and Figures 20, 5, and 9. To the contrary, this missing limitation is not taught in any of those locations.

Furthermore, the rejection in this Office Action improperly relies on impermissible hindsight to combine these three references. There is nothing in any of the references which suggests combining its teachings with any other reference, particularly with each other. The only reason to combine the references in this manner is because a claim to a novel invention has been presented, and the Examiner seeks to find the limitations in as many references as are required. In this case, however, not only is there no suggestion to combine these references, but once combined, the present invention is still not obvious. Instead, the rejection in this Office Action requires one to ignore certain specific limitations (discussed above) that exist in the claims and look for vague and broad statements that may be used to infer the missing limitations. As can be seen, when this rejection is looked at in close detail and under this light, it can be seen that it is

not a proper rejection. For all of these reasons, it is respectfully submitted that the pending claims are patentable over the cited prior art.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Robert G. Crouch
Registration No. 34,806
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720) 562-5506

Date: May 24, 2004